



## COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA  
State Health Commissioner

Department of Health  
P O BOX 2448  
RICHMOND, VA 23218

TTY 7-1-1 OR  
1-800-828-1120

April 24, 2020

### **WAIVER OF 12VAC5-391-80(A): BIENNIAL INSPECTIONS OF HOSPICES AND HOSPICE FACILITIES**

On March 4, 2020, the U.S. Centers for Medicare and Medicaid Services issued a memorandum to state survey agencies, announcing the suspension of non-emergency inspections and focusing “on the most serious health and safety threats like infectious diseases and abuse.” The federal survey activity is limited to immediate jeopardy complaints, complaints alleging infection control concerns, statutorily required recertification surveys, re-visits necessary to resolve current enforcement actions, initial certifications, surveys of facilities that have a history of infection control deficiencies.

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). In the declaration, Executive Order 51, the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the COVID-19 outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

**Requirement:** Subsection A of 12VAC5-391-80 states, in relevant part, “A OLC representative shall make periodic unannounced on-site inspections of the hospice program as necessary, but not less often than biennially.”

**Waiver:** Notwithstanding 12VAC5-391-80(A), the Virginia Department of Health Office of Licensure and Certification may temporarily suspend on-site inspections of hospice programs during the period of emergency declared by Executive Order 51. Inspections that were to have occurred during the period of emergency will be conducted as soon as possible after Executive Order 51 expires or is terminated. Complaint investigations will continue to be performed.

Questions regarding this document or the information contained within should be addressed to the Director of the Office of Licensure and Certification, Robert A. K. Payne, JD, by email at Robert.Payne@vdh.virginia.gov or by phone at (804) 367-2102.

DocuSigned by:

A handwritten signature in blue ink that reads "M. Norman Oliver MD".

E9885CE3DE124C6  
M. Norman Oliver, MD, MA  
State Health Commissioner